

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LINDA ANN HARRIS,

Plaintiff,

v.

THE TJX COMPANIES, INC., d/b/a

T.J. MAXX,

Defendant.

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No. 3:20-CV-272-TAV-HBG

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Defendant's Motion to Compel [Doc. 18]. Defendant requests, pursuant to Federal Rules of Civil Procedure 33, 34, and 37, that the Court order Plaintiff to respond to outstanding discovery requests. Defendant states that it served Plaintiff with discovery requests and that on January 26, 2021, Plaintiff attempted to supplement her responses, but the supplementation is deficient. Defendant requests that the Court order Plaintiff to supplement her responses within ten (10) days.

Rule 37(a) states that a motion to compel "must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court order." Fed. R. Civ. P. 37(a)(1). Further, section 3(i) of the Scheduling Order [Doc. 17] requires parties to take certain steps before filing motions regarding discovery disputes. First, the parties are to meet and confer in an attempt to resolve the dispute. If the parties cannot resolve the dispute, they shall attempt to resolve the dispute by conference with the Magistrate Judge. The Scheduling Order provides that "[i]f and only if, the

parties' dispute is unresolved following the conference with the Magistrate Judge, the parties may file appropriate written motions with the Court . . ." [*Id.*]. Finally, "[a]ny written motions regarding discovery shall include a certification of compliance with steps one (1) and (2) . . . as well as the written certification by Rule 37(a)(1), if applicable." [*Id.*].

Given that Defendant's Motion to Compel [**Doc. 18**] does not comply with the above procedures, the Court finds it not well taken, and the same is **DENIED**.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge